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SUBJECT: ONE YEAR AFTER THE SHARIA ACT,
CREEPING ISLAMIZATION CONTINUES

REFS: A) ISLAMABAD 7242; B) ISLAMABAD 6252;
C) 91 ISLAMABAD 16291; D) 91 ISLAMABAD 7153

¶1. CONFIDENTIAL -- ENTIRE TEXT.

¶2. SUMMARY: PRIME MINISTER NAWAZ SHARIF'S SHARIA (ISLAMIZATION) ACT, PASSED BY THE PAKISTANI NATIONAL ASSEMBLY ONE YEAR AGO, WAS SYMPTOMATIC OF THE GROWING INFLUENCE OF ISLAMIC IDEOLOGY ON PAKISTANI POLITICS. THE POORLY DRAFTED AND VAGUELY WORDED DOCUMENT PRODUCED NO DRAMATIC CHANGE IN PAKISTANI SOCIETY. THE LAW, IN FACT, REPRESENTED A DEFEAT FOR THE RIGHT-WING ISLAMISTS WHO HAD PROPOSED FAR MORE SWEEPING ISLAMIZATION LEGISLATION. NONETHELESS, ALTHOUGH THE ISLAMIC RIGHT REMAINS BUT A PERIPHERAL FORCE IN PAKISTANI LEGISLATIVE POLITICS, THEIR SINGLE-MINDED PURSUIT OF THEIR GOAL OF AN ISLAMIC STATE IS INCREASINGLY SHAPING CONTEMPORARY PAKISTANI CULURE.

¶3. ISLAMIST ACTIVISM POSES A REAL THREAT TO PAKISTANI STABILITY AND PROGRESS. BY PROMOTING INTOLERANCE WITHIN PAKISTANI SOCIETY, THE RELIGIOUS RIGHT HAS WIDENED THE DIVISIONS BETWEEN RELIGIOUS SECTS, CONTRIBUTED TO THE SURGE IN VIOLENCE THROUGHOUT PAKISTAN, AND HAMPERED THE GOVT'S ABILITY TO SET POLICY BOTH IN DOMESTIC AREAS SUCH AS FAMILY PLANNING AND ON FOREIGN POLICY ISSUES LIKE AFGHANISTAN AND KASHMIR.

¶4. THEIR "SUCCESSES," HOWEVER, SUCH AS THEY ARE, HAVE NOT WON THE ISLAMISTS BROAD POPULAR SUPPORT. WE ANTICIPATE NEITHER AN IRANIAN-STYLE ISLAMIC REVOLUTION IN PAKISTAN NOR AN ALGERIAN-STYLE ISLAMIST VICTORY AT THE POLLS. RATHER WHAT WE ARE LIKELY TO SEE IS A CONTINUING STRUGGLE BETWEEN MODERNISTS AND ISLAMISTS TO DETERMINE THE SHAPE OF PAKISTANI SOCIETY. THE GOVERNMENT MEANWHILE WALKS A FINE LINE, WORRIED ABOUT THE RELIGIOUS RIGHT'S ABILITY TO USE ITS MILITANT MEMBERS TO CREATE PROBLEMS IN THE STREETS, BUT EQUALY AWARE OF THE THREAT TO THE NATION'S SOCIAL AND ECONOMIC DEVELOPMENT IF THE ISLAMISTS ADVANCE THEIR AGENDA UNCHECKED. END SUMMARY.

WORTH THE PAPER IT'S PRINTED ON?

¶5. WHEN THE PAKISTAN NATIONAL ASSEMBLY PASSED PRIME MINISTER NAWAZ SHARIF'S SHARIA ("ISLAMIC LAW") BILL IN MAY 1991, THE PM'S CONFIDANTS PRIVATELY DESCRIBED IT AS AN IMPORTANT VICTORY OVER THE RELIGIOUS RIGHT. BY INTRODUCING HIS OWN SHARIA BILL, NAWAZ HAD ESSENTIALLY BOTH ACCDED TO THE ISLAMISTS'

CAMPAIGN PRESSING THE GOP TO INSTITUTE ISLAMIC LAW AND DERAILED IT, BY WATERING THE LEGISLATION DOWN TO THE POINT OF MEANINGLESSNESS.

¶6. THE SHARA ACT ITSELF WAS POORLY DRAFTED AND CONSISTED PRIMARILY OF VAGUE STATEMENTS CALLING FOR THE TRANSFORMATION OF PAKISTAN INTO AN "ISLAMIC WELFARE STATE" AND MANDATING THAT MUSLIM CITIZENS "ORDER THEIR LIVES ACCORDING TO ISLAMIC LAW." THE ONLY GOP ACTION ACTUALLY MANDATED IN ITS TEXT WAS THE CREATION OF COMMITTEES TO STUDY METHODS OF ISLAMIZING EDUCATION AND THE EVENTUAL ELIMINATION OF INTEREST FROM THE ECONOMY. IN CONTRAST TO EARLIER SHARIA BILLS DRAFTED BY THE ISLAMIC RIGHT, NAWAZ'S SHARIA ACT ALSO GUARANTEED THE INVIOABILITY OF PAKISTAN'S PARLIAMENTARY DEMOCRACY AND INTERNATIONAL OBLIGATIONS AND CONTAINED LANGUAGE SAFEGUARDING THE RIGHTS OF PAKISTAN'S NON-MUSLIM MINORITIES. ONE YEAR AFTER THE ACT'S PASSAGE, IT REMAINS ESSENTIALLY IRRELEVANT TO PAKISTANI GOVERNMENT AND SOCIETY. THE FEARS OF RELIGIOUS MINORITIES, HUMAN RIGHTS WORKERS, AND WOMEN'S GROUPS THAT THE ACT WOULD TRANSFORM PAKISTAN INTO A THEOCRACY, GUTTING THE ECONOMY AND CIVIL LIBERTIES IN THE PROCESS, REMAIN ESSENTIALLY UNREALIZED.

ISLAMIZATION THROUGH THE BACK DOOR?

¶7. MEANWHILE, THE RELIGIOUS PARTIES ARE WEAKER THAN EVER WITHIN THE LEGISLATURE, AND WITH THE DEFLECTION OF THE JAMAAT-I-ISLAMI--THE LARGEST ISLAMIST PARTY--FROM NAWAZ'S RULING COALITION, THEIR ABILITY TO INFLUENCE GOVERNMENT POLICY IS FURTHER DIMINISHED. THE ISLAMISTS' STATUS AS RELIGIOUS TEACHERS AND LEADERS OF CONGREGATIONS GIVES THEM A READY PULPIT, HOWEVER, TO PROMOTE ISLAMIZATION AS THE ANSWER TO PROBLEMS OTHERWISE FAR FROM THE SPHERE OF RELIGION -- THE DIVISION BETWEEN RICH AND POOR, THE DECLINING ACCESS OF THE POOR TO EDUCATION AND UNEMPLOYMENT, INFLATION, AND THE ERODING LAW-AND-ORDER SITUATION.

¶8. THE ISLAMISTS' STATUS AS RELIGIOUS LEADERS, AND THEIR ABILITY TO BRING LARGE NUMBERS OF MILITANT STUDENT SUPPORTERS OUT INTO THE STREETS AT SHORT NOTICE, HAVE LED SUCCESSIVE GOVERNMENTS OF PAKISTAN TO APPEASE THEM RATHER THAN CONFRONT THEM DIRECTLY. UNDER PREVIOUS GOVERNMENTS, SUCH APPEASEMENT TOOK THE FORM OF PROHIBITION, LEGISLATION DEFINING THE POLYDOX AHMEDI SECT AS "NON-MUSLIM," AND THE INSTITUTION OF ISLAMIC CRIMINAL PENALTIES FOR EXTRAMARITAL SEX OR OTHER "UN-ISLAMIC" BEHAVIOR. DESPITE NAWAZ'S SUCCESSFUL DERAILMENT OF THE MOVEMENT FOR A SHARIA BILL, THE RELIGIOUS RIGHT'S INFLUENCE OVER THE DIRECTION OF PAKISTANI CULTURE AND SOCIETY CONTINUES TO GROW.

¶9. FOR EXAMPLE, PAKISTAN'S FASTEST GROWING RELIGIOUS PARTIES -- THE ANJUMAN SEPAH-I-SAHABA PAKISTAN (ASSP) -- ACTIVELY CRUSADES FOR THE CREATION OF A SUNNI STATE, WITH SHIAS DECLARED "NON-MUSLIM." BOTH THE ASSP AND ITS PRIMARY NEMESIS THE SHIA TEHRIK-I-NIFAZ-I-FIQAH-JAFARIA (TNFJ) HAVE PROFITED BY ARTICULATING AND ENCOURAGING A GROWING STRAIN OF RELIGIOUS INTOLERANCE WITHIN PAKISTANI SOCIETY WHICH IS FAR MORE WIDESPREAD, AND DANGEROUS, THAN ANY THE NATION HAS PREVIOUSLY EXPERIENCED.

¶10. THERE HAS ALSO BEEN AN INCREASING RELIANCE BY OFFICIALS ON "ISLAMIC" PROVISIONS IN THE PAKISTANI PENAL CODE. FOR EXAMPLE, THE ARTICLE WHICH PENALIZES BLASPHEMY IS, IN THE VIEW OF MANY OBSERVERS, INCREASINGLY BEING USED TO INTIMIDATE AND HARRASS NON-MUSLIMS. A PENDING CASE AGAINST PROMINENT SOCIOLOGIST DR. AKHTAR HAMEED KHAN (REF B) CHARGES HIS RECENTLY-PUBLISHED CHILDREN'S STORY IS

AN ALLEGORICAL SLAP AT PROPHET MOHAMMED'S FAMILY. SEVERAL CHRISTIANS HAVE BEEN SIMILARLY CHARGED IN RECENT MONTHS, USUALLY AFTER FINANCIAL OR POLITICAL DISPUTES WITH ISLAMISTS. A CHRISTIAN TEACHER WAS KILLED IN JANUARY 1992 BY A TEENAGER WHO HAD READ AN ANONYMOUS FLYER ACCUSING THE TEACHER OF INSULTING ISLAM. EQUALLY TROUBLING WERE THE (FORTUNATELY UNSUCCESSFUL) EFFORTS OF THE SUNNI FUNDAMENTALIST JAMIAT ULEMA-I-ISLAM (JUI) PARTY TO PRESSURE THE BALOCHISTAN PROVINCIAL GOVERNMENT INTO DECLARING A LOCAL SECT, THE ZIKRIS, TO BE NON-MUSLIM. A DECISION TO THAT EFFECT COULD HAVE SPARKED SERIOUS SECTARIAN VIOLENCE IN THAT PROVINCE.

¶11. CONTEMPORARY PAKISTANI TELEVISION ALSO LARGELY REFLECTS THE RELIGIOUS RIGHT'S IDEA OF "ISLAMIC" BEHAVIOR AND ITS GROWING INFLUENCE. CNN BROADCASTS ARE HEAVILY CENSORED WITH SCENES OF WOMEN IN "UN-ISLAMIC" DRESS OR EVEN OF MOTHERS KISSING THEIR CHILDREN BLANKED OUT. GUIDELINES FOR WOMEN'S DRESS IN DOMESTIC BROADCASTS WERE RECENTLY TIGHTENED, WITH WOMEN NOW REQUIRED TO COVER THEIR HEADS REGARDLESS OF THE TYPE OF CHARACTER THEY ARE PORTRAYING. POSITIVE PORTRAYALS OF WOMEN IN NON-TRADITIONAL ROLES ARE NEARLY NONEXISTENT. DISCUSSION OF SUCH ISSUES AS AIDS, BIRTH CONTROL, AND SEXUAL HARRASSMENT IS RARE AND GENERAL, WITH AIDS IN PARTICULAR OFTEN TIED TO "WESTERN BEHAVIOR" SUCH AS THE "FREE MINGLING OF THE SEXES."

¶12. IN YET ANOTHER AREA, EDUCATION, THE GOP HAS REGULARLY ACCDED TO ISLAMIST PRESSURE TO INCREASE THE ISLAMIC CONTENT OF THE EDUCATION SYSTEM. LONG-STANDING LEGISLATION MANDATING ISLAMIC AND QURANIC STUDIES FOR ALL MUSLIM STUDENTS HAS REPEATEDLY BEEN REVISED TO INCREASE THE PERCENTAGE OF TIME DEDICATED TO "ISLAMIA." WHILE NON-MUSLIM STUDENTS ARE EXEMPTED FROM ISLAMIC STUDIES, ALL CIVIL SERVICE APPLICANTS--REGARDLESS OF FAITH--MUST PASS ORAL AND WRITTEN EXAMS ON ISLAMIC STUDIES. THE WEIGHT GIVEN TO THIS SECTION WITHIN THE CIVIL SERVICE EXAM HAS, MOREOVER, BEEN RAISED TO THE POINT THAT MUSLIM CIVIL SERVICE APPLICANTS HAVE COMPLAINED TO US THAT ISLAMIC ACTIVISTS HAVE AN UNFAIR ADVANTAGE.

¶13. THE GOP IS ALSO UNDER GROWING ISLAMIST PRESSURE TO ADD RELIGIOUS AFFILIATION TO THE INFORMATION INCLUDED ON CITIZENS' NATIONAL IDENTITY CARDS, WHICH MUST BE PRESENTED BEFORE A PAKISTANI CAN LEGALLY VOTE, APPLY FOR A JOB, BE ADMITTED TO UNIVERSITY, OR ENTER MILITARY SERVICE.

DEMOCRACY CHALLENGED: THEOCRATIC PRIMACY AHEAD?

¶14. CONFRONTATION BETWEEN THE MODERNIST AND ISLAMIST OUTLOOKS HAS BEEN SHARPEST IN REACTION TO THE FEDERAL SHARIAT COURT'S INCREASED ACTIVISM. GENERAL ZIA CREATED THE SHARIAT COURT IN 1980 TO BOLSTER HIS ISLAMIZATION CAMPAIGN, APPOINTING AND FIRING JUDGES AT WILL TO ENSURE FAVORABLE VERDICTS. SINCE ZIA'S DEATH, HOWEVER, THE COURT HAS BEEN STEERING A COLLISION COURSE WITH THE GOP. RULINGS SINCE JUNE 1990 INCLUDE: JUDGMENTS REPLACING CIVIL PENAL CODES WITH AN "ISLAMIC" SYSTEM OF PUNISHMENTS; A NOVEMBER 1991 SHARIAT COURT RULING DEFINING ALL INTEREST PAYMENTS AS UN-ISLAMIC; AND A MAY 1992 RULING UNDERCUTTING THE PROTECTIONS IN THE EXISTING POLITICAL SYSTEM WHICH HAD BEEN A KEY FEATURE OF THE SHARIA ACT AND A CHECK ON ISLAMIST EFFORTS TO SUBORDINATE THE GOVERNMENT'S LEGISLATIVE AUTHORITY TO THE MULLAHS. THE GOP REPORTEDLY HAS NO INTENTION OF IMPLEMENTING THESE JUDGMENTS, ALL OF WHICH REMAIN FROZEN IN AN APPELLATE COURT. TO DATE, HOWEVER, IT HAS ALSO AVOIDED ANY ATTEMPT TO REIN IN THE SHARIAT COURT.

¶15. MOST DISTURBING TO OBSERVERS, BUT SO FAR UNDERPLAYED BY THE GOP, IS THE SHARIAT COURT'S CHALLENGE TO PAKISTAN'S CURRENT PARLIAMENTARY DEMOCRATIC SYSTEM. TECHNICALLY, THE COURT IS CONSTITUTIONALLY BANNED FROM TOUCHING CONSTITUTIONAL ISSUES AND COURT OFFICIALS ASSURE US THEY HAVE NO INTENTION TO DO SO UNLESS AUTHORIZED BY THE LEGISLATURE. THE SHARIAT COURT'S ASSERTIONS IN RECENT RULINGS, HOWEVER, THAT MAN-MADE DOCUMENTS OR HUMANLY-ELECTED PARLIAMENTS MUST BE SUBORDINATE TO ISLAMIC LAW--AS INTERPRETED BY THE SHARIAT COURT--IMPLY JUST SUCH A WEAKENING OF THE CONSTITUTION'S INVIOABILITY. DURING A RECENT ISLAMABAD SEMINAR ON ISLAMIZATION, RETIRED LAHORE HIGH COURT JUDGE JAVED IQBAL DEFINED THE BASIC QUESTION AS ONE OF POWER. "WHO HAS THE RIGHT TO REPRESENT THE WILL OF THE PEOPLE, THEIR ELECTED REPRESENTATIVES OR JUDGES APPOINTED BY THE PRESIDENT?" IN IQBAL'S VIEW, PAKISTAN NOW HAS TWO INCOMPATIBLE SYSTEMS IN OPERATION, ONE DEMOCRATIC AND ONE THEOCRATIC, NEITHER ONE OF WHICH CAN WORK UNTIL THE GOP CHOOSES BETWEEN THEM.

COMMENT

¶16. THE PRIMARY DANGER THAT THE RELIGIOUS RIGHT REPRESENTS TO PAKISTAN IS THAT THEIR ACTIVITIES FUEL THE FRAGMENTATION OF PAKISTANI SOCIETY. THE TIES THAT BIND TOGETHER PAKISTAN'S MANY ETHNIC AND RELIGIOUS GROUPS HAVE ALWAYS BEEN STRAINED TO SOME DEGREE. TOGETHER WITH MILITANT ETHNIC NATIONALIST GROUPS, THE ISLAMIST PARTIES FURTHER SPLINTER SOCIETY BY FEEDING THE PERCEPTION WITHIN EACH COMMUNITY THAT IT IS UNDER SEIGE. BATTLES BETWEEN SECTARIAN GROUPS ARE THE MOST GRAPHIC RESULT. EQUALLY, THE ISLAMISTS POSE A DIRECT THREAT TO PAKISTAN'S LONG-TERM INTERESTS, AS FEAR OF PROVOKING THE RELIGIOUS RIGHT HAS CONSTRAINED THE THE GOP'S ABILITY TO ADDRESS KEY ISSUES -- WHETHER DOMESTIC, SUCH AS EDUCATION AND BIRTH CONTROL, OR FOREIGN, SUCH AS AFGHANISTAN AND KASHMIR.

¶17. WE DO NOT BELIEVE, HOWEVER, THAT PAKISTAN IS HEADED FOR EITHER AN IRANIAN-STYLE ISLAMIC REVOLUTION OR AN ALGERIAN-STYLE ISLAMIST VICTORY AT THE POLLS. THE ISLAMIST MOVEMENT IS TOO FRAGMENTED, IDEOSYNCRATIC, AND--WITH THE EXCEPTION OF THE HIGHLY CENTRALIZED JAMAAT-I-ISLAMI--FAR TOO DISORGANIZED TO FORM A BROAD-BASED NATIONAL MOVEMENT. NO GROUP HAS YET DEMONSTRATED WIDESPREAD PUBLIC SUPPORT AND THE POLITICO-RELIGIOUS LEADERS THEMSELVES ARE POPULARLY VIEWED AS POWER-HUNGRY, CORRUPT, AND PREOCCUPIED WITH THE PUNITIVE ASPECTS OF ISLAM. EXCEPT FOR A SLIGHT BOOST IN NATIONAL ASSEMBLY SEATS IN 1990 DUE TO THE JAMAAT-I-ISLAMI'S MEMBERSHIP IN THE WINNING IJI COALITION, THE ISLAMISTS' SHARE OF THE POPULAR VOTE HAS DECLINED WITH EVERY NATIONAL ELECTION SINCE THE CREATION OF PAKISTAN.

¶18. THEIR LACK OF POPULAR SUPPORT AND ELECTORAL STRENGTH WILL KEEP THE ISLAMISTS FROM POSING A DIRECT POLITICAL THREAT TO THE CURRENT GOVERNMENT. THE SYMBOLIC AND EMOTIONAL VALUE OF THE "ISLAMIC" CALL, HOWEVER, AND THE COMMITMENT OF THE ISLAMISTS' MORE MILITANT SUPPORTERS, MAKES THEM A POTENTIAL SOURCE OF TROUBLE. IN SUM, WE ANTICIPATE A CONTINUING STRUGGLE BETWEEN MODERNISTS AND ISLAMISTS TO DETERMINE THE SHAPE OF PAKISTANI SOCIETY IN THE MONTHS AHEAD. THE GOVERNMENT MEANWHILE WALKS A FINE LINE, WORRIED ABOUT THE RELGIOUS RIGHT'S ABILITY TO TO CREATE PROBLEMS IN THE STREETS, BUT EQUALLY AWARE OF THE THREAT TO THE NATION'S SOCIAL AND ECONOMIC DEVELOPMENT IF THE ISLAMISTS ADVANCE THEIR AGENDA UNCHECKED.

¶19. THIS REPORT IS SUBMITTED IN ACCORDANCE WITH THE
MISSION REPORTING PLAN.

PLATT